

said defendants under a guaranty that the article was not adulterated or misbranded within the meaning of the act of Congress of June 30, 1906, of a quantity of catsup which was so adulterated, and which said article in the same condition as when purchased and received from said defendants was, on or about August 6, 1912, in violation of said act, shipped by the purchaser thereof from the State of Missouri into the State of Kansas. The product was labeled: "Congress Brand Catsup Prepared with 1-10 of 1% Benzoate of Soda. Packed for Kansas City Wholesale Grocery Co., Kansas City, Mo."

Microscopical examination of a sample of the product by the Bureau of Chemistry of this department showed the following results: Mold filaments present in about 58 per cent of all microscopic fields examined; yeasts and spores, about 84 per one-sixtieth cubic millimeter; and bacteria, about 200,000,000 per cc. A partly decomposed product, as shown by the great number of organisms present.

Adulteration of the product was alleged in the information for the reason that it was represented that the product was a tomato catsup, whereas, in truth and in fact, said product consisted in part of a filthy, decomposed, and [or] putrid vegetable substance.

On April 15, 1914, the defendant Fred Schwartz entered his plea of guilty and the court imposed a fine of \$75 and one-third of the costs. On April 17, 1914, the defendants Wilson and Block entered their pleas of guilty and were each fined \$75 and one-third of the costs. The case against the corporation was nolle prossed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3439. Misbranding of sambuca. U. S. v. August Saunig et al. (A. Saunig & Co.). Plea of guilty. Fine, \$75. (F. & D. No. 5200. I. S. No. 20737-d.)

On March 23, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against August Saunig and Eugene Strobini, doing business under the firm name and style of A. Saunig & Co., New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, from the State of New York into the State of Pennsylvania, of a quantity of an article of food called sambuca, which was misbranded. The product was labeled: "Panorama di Napoli. Sambuca. Speciale Preparazione Della Casa A. S. C., New York, U. S. A. Distilleria Italiana," and the label also bore a picture of a volcano in action near a body of water, which was calculated to represent an Italian scene.

Investigation by the Bureau of Chemistry of this department as to the manufacture of the product disclosed the fact that it was a domestic product, and that it was manufactured in the United States by A. Saunig & Co., New York, N. Y.

Misbranding of the product was alleged in the information for the reason that it was labeled and branded as aforesaid, so as to deceive and mislead the purchaser thereof, in that said label would indicate that said article was a foreign product, to wit, a product of Italy, whereas, in truth and in fact, the said article was a product of the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Italy, when it was not so, but was a product of the United States.

On June 2, 1914, a plea of guilty was entered on behalf of the defendant firm and the court imposed a fine of \$75.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*